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- Open Discussion on Immigration Act

**Thursday Afternoon**
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**Friday Morning, August 21, 1992**
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**Friday Afternoon**
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OFFICIAL MINUTES
1992 ICSOM CONFERENCE
August 22-26, 1992
Vail, Colorado

WEDNESDAY AFTERNOON, AUGUST 19, 1992

The Conference was called to order by Chairperson Brad Buckley at 1:00 p.m.

INTRODUCTIONS AND WELCOMES

After the roll call of orchestras, Chairperson Buckley welcomed the delegates to Vail and introduced and welcomed the members of the Governing Board, AFM officers, and guests, including the following:

GOVERNING BOARD OFFICERS
President David Angus
Secretary Lucinda-Lewis
Treasurer Carolyn Parks
Senza Sordino Editor Deborah Torch

MEMBERS AT LARGE
Charles Schlueter, James Clute, Michael Moore

LEGAL COUNSEL
Leonard Leibowitz and assistant Barbara Jaccoma

AMERICAN FEDERATION OF MUSICIANS

SYMPHONIC SERVICES DIVISION
Lew Waldeck
Nathan Kahn
Wayne King
Bill Creehnan
Rosemary Estes
John Trembath (Canada)

ORCHESTRA SERVICES PROGRAM
John Stokes
Stuart MacDonald
Karl Bawel
Marilyn Rife
Kathy Hunt

ADDITIONAL AFM GUESTS
Mark Tully Massagli, President, AFM
Steve Young, Vice President, AFM
Steve Sprague, Secretary/Treasurer, AFM
Tom Lee, IEB, Secretary/Treasurer, Local 161-710, Washington, D.C.
Ken Shirk, IEB
Jessica Roe, AFM

LOCAL UNION REPRESENTATIVES
Nick Bardes, President, Local 6, San Francisco
Richard Renna, President, Local 2-197, St. Louis
Charles Guse, President, Local 10-208, Chicago
Barbara Arguello, President, Local 20-623, Denver
Tom Dale, President, Local 103, Columbus
Fred Dobelbower, President, Local 586, Phoenix
Richard Totusek, President, Local 105, Spokane
Jack Hook, Secretary-Treasurer, Local 40-543, Baltimore
Florence Nelson, Vice President, Local 802, New York City
David Brewer, President, Local 4, Cleveland
Chris Durham, Secretary-Treasurer Local 2-197, St. Louis
Joe Parente, Vice President, Local 77, Philadelphia
Joe Shrifrin, President, Local 167-710, Washington, D.C.

ROPA
Diane Merrill, President

OCSM
Evelyne Robetaille, President
Francine Schutzman, Vice President

ICSOM EMERITUS
Abe Torchinsky

OTHER PARTICIPANTS, GUESTS, AND SPEAKERS
Tom Hall (Chicago Symphony) ICSOM Conference Coordinator
Adele Lorraine (Minnesota Orchestra)
Frances Morgante (Buffalo Philharmonic)
Mary Catherine Klan (Louisville Orchestra)
Douglas Fisher (Columbus Symphony)
David Handler (Alabama Symphony)
Achille Rossi (Indianapolis Symphony)
Kim Fellner (speaker)
Adolfo Nodal (speaker)
Ed Arian (speaker)
Irving Segall (ICSOM Chairperson, 1974-1980)
Fred Zenone (ICSOM Chairperson, 1980-1986)
Sin Moriya (Musicians' Union of Japan)
Susan Levine (travel agent)
ATTENDING ICSOM ORCHESTRAS

Alabama Symphony
Atlanta Symphony
Baltimore Symphony
Boston Symphony
Buffalo Philharmonic
Chicago Lyric Opera
Chicago Symphony
Cleveland Orchestra
Colorado Symphony
Columbus Symphony
Cincinnati Symphony
Dallas Symphony
Detroit Symphony
Florida Orchestra
Florida Philharmonic
Florida Symphony
Grant Park Symphony
Honolulu Symphony
Houston Symphony
Indianapolis Symphony
Kennedy Center Orchestra
Los Angeles Philharmonic*
Louisville Orchestra
Metropolitan Opera Orchestra

Milwaukee Symphony
Minnesota Orchestra
National Symphony
New Jersey Symphony
New Orleans Symphony**
New York City Ballet Orchestra

New York City Opera Orchestra
New York Philharmonic
North Carolina Symphony
Oregon Symphony
Philadelphia Orchestra
Phoenix Symphony
Pittsburgh Symphony*
Rochester Philharmonic
St. Louis Symphony
St. Paul Chamber Orchestra
San Antonio Symphony
San Diego Symphony
San Francisco Ballet Orchestra
San Francisco Opera Orchestra
San Francisco Symphony
Syracuse Symphony
Utah Symphony

Michael McGillivray
Michael Moore
John Vance (attending for Charles Underwood)
Charles Schlueter
Lels M. Carson
Barbara Haffner
David Sanders
Scott Weber
Helen McDermott
Michael Racckone
Martin James
David Buttey
Laurence Liberson
Warren Powell
Geoffrey Hale
Barbara Rizzo
Eva Carol Beck
Mark Schubert
David Garrett
Michael Borschel
Gregory Drone
Camille Avellano
Susannah Onwood
Herb Weksblatt (attending for Marvin Topolsky)

Robert Levine
James Cate
Robert Blatt
Karl Herman
Jim Abwood/Ann Cohen
Jay Blumenthal (attending for Murray Schnee)

Bernadette Zirkull
Ken Mirkin (attending for Sherry Sylar)
Sandra Schwarcz
Christine Perry
Julia Grayson
John Lofton
Stephanie Tretick
David Angus
Robert Silverman
Leslie Shank
Elizabeth Stoppels
Heather Buchanan
David Bartokta
Tom Heimb erg
Kelly Leon-Pearce
Walden Bass
Marion Albiston

*The Los Angeles Philharmonic and the Pittsburgh Symphony were on tour in Europe and were represented via proxy by Julia Grayson of the Philadelphia Orchestra.
**The New Orleans Symphony no longer exists and has been replaced by the Louisiana Philharmonic. The Philharmonic attended the Conference as an observer.**

There was one correction in the 1991 ICSOM Conference minutes: Barbara Haffner should have been listed as the delegate for the Chicago Lyric Opera. There being no further corrections, the minutes were adopted as amended.

A special motion to designate the conference room a non-smoking room carried. [Motion #1/Blatt]

Chairperson Buckley introduced IEB Member Ken Shirk.

Shirk described the Federation as much improved and spoke of the AFM's organizing efforts which resulted from a resolution introduced by the Player Conferences Council. Previous efforts had not succeeded because they did not consider the musicians’ workplace. The new project places a union organizer in a local to organize. Shirk recommended supporting the universal health care bill 2320. He expressed concern over attacks on the National Endowment for the Arts by the Bush Administration and reported that the Administration had opposed passage of the Live-PALRA bill. Finally, the IEB had voted unanimously to endorse the candidacy of Bill Clinton.

There was a motion to name Richard Totusek conference parliamentarian. [Motion #2/Blatt] Motion carried.

Buckley introduced OCSM President Evelyne Robetaille.

Robetaille stated it had not been a good year for Canadian orchestras, especially the Toronto Symphony, which had experienced budget and season cutbacks. The Montreal Symphony also had trouble but, unlike Toronto, was bailed out by the Canadian government. All Canadian arts funding had been held up because the Constitution had not been accepted by the ten provinces.

Buckley introduced the President of ROPA, Diane Merrill.

Merrill thanked ICSOM orchestras for sending letters of support and financial assistance to the Savannah Symphony during its eleven-week strike and told of an impending problem with the Charlotte Symphony.

**CHAIRPERSON’S REPORT**

Brad Buckley described the origins of ICSOM as precipitated by the vision of the nineteen founding orchestras, which wanted to improve conditions and wages in symphony orchestras through the strength of collective action. Orchestras acting collectively through ICSOM have made major and substantive changes to the orchestral workplace, including a complete restructuring of the AFM and a history of explosive growth over the last thirty years. The Player Conferences' resolution on union organizing was adopted at the last AFM convention. Orchestras are faced with dramatic changes in the industry, with the relevance of the art form in American society being severely tested. Unlike the past, orchestras will no longer be insulated from societal issues. Musicians today have to learn how to deal with these problems just as they did thirty years ago. Unless musicians are prepared,
when faced with serious problems, orchestras can begin devouring themselves. Concessions must be tied to real recovery plans. Thirty years ago, ICSOM was confronted with problems just as difficult. The only successful method of dealing with these problem is through collective action.

The other officers' reports were submitted in writing for the Delegate Manual.

In addition to her written report, Debbie Torch [Senzia Editor/San Antonio Symphony] reported that she had sent out a questionnaire to all music medicine clinics in the country, in order to compile information about available services, for future distribution to ICSOM orchestras. She also reported that ICSOM was involved with the publication of a book on music medicine called Survival Guide for Musicians.

COUNSEL'S REPORT

Lenny Leibowitz spoke of the difficulties created by the Wolf Report [the study on the financial condition of American orchestras commissioned by the ASOL]. Although he characterized 1992 as the worst year for orchestras in memory, he expressed optimism. Because of the problems facing many orchestras, the issue of co-op orchestras had become a reality, albeit a last resort. He warned of the dangers of co-op status and described the difficult dismissal by the Colorado Symphony of its concertmaster (later reinstated) as an example of one of the problems. He announced that the focus of his workshop would center around the function and responsibilities of the committees of the orchestra.

Buckley reported that the Governing Board unanimously recommended retaining Leibowitz as ICSOM Counsel.

A motion to retain Lenny Leibowitz as ICSOM Counsel and to increase his retainer by $1000 carried. [Motion #3/Blatt]

Leibowitz was presented with a plaque recognizing his many years of service to ICSOM.

REPORT OF THE SYMPHONIC SERVICES DIVISION

Supervisor Lew Waldeck reflected upon the difficulties he had seen over the last year. Managements had been asking for concessions more than ever before: He wondered whether concessions were necessary and when orchestras should accept them. This had caused a number of orchestras to inquire about co-oping [musician-run orchestras such as the Colorado Symphony], which he did not recommend as a solution, but he recognized the need to provide orchestras with as much information as possible. An informational pamphlet on the subject was being developed for the SSD for future distribution. Waldeck reported that the NEA had created a video which included orchestra segments without consulting the AFM. Initially, the NEA claimed it could use anything created with NEA funds; however, it retracted that position.

When asked to explain the purpose of an orchestra going co-op, Waldeck responded the only purpose was to prevent another group from jumping in and filling the void.

Leibowitz commented that some groups may find no other way of keeping the orchestra alive in the hope that something happens.
STRIKE FUND REPORT

ICSOM President David Angus reported on the Strike Fund meeting held in November, 1991. Brad Buckley and Melanie Burrell were the Strike Fund Trustees. Angus attended the last meeting for Buckley. He explained the difficulties confronting the Strike Fund as a result of the problems and situations facing member orchestras. Strike Fund benefits were never intended to take the place of unemployment benefits, but to help orchestra members weather strikes and lockouts. The Strike Fund created a method of dealing with unique situations. The first eight weeks of a bankruptcy or cancellation would be paid. If substantive negotiations resume during or subsequent to the first eight weeks, benefits would be reinstated up to the maximum. The issue of Strike Fund membership qualifications was also addressed. The new eligibility requirements included: an orchestra working under a collective bargaining agreement, with at least fifty members, 25 of whom make at least $15,000 per year [all members of such an orchestra would then be eligible for benefits]. Angus reported that the new Strike Fund provisions required the election of two trustees. Melanie Burrell had requested not to serve again.

A delegate pointed out that the weekly benefit amount has not been increased in many years. Buckley stated that the financial condition of the Strike Fund had only recently been strong enough to examine the possibility of increasing the weekly benefit. Such an increase would require financial study, an AFM bylaws change, and possibly a significant dues increase. Some orchestras complain about having to pay Strike Fund dues when they never use the benefits. The Strike Fund works because it is a collective action.

Angus stated that there had been concern over how often an orchestra should be allowed to receive benefits considering the number of negotiations and renegotiations.

After some discussion, a motion to instruct the Strike Fund trustees to quickly evaluate the means of increasing the benefit paid by the Strike Fund, even if a dues increase was required, carried. [Motion #4/Clute]

Because of a pending Strike Fund meeting, nominations for Strike Fund trustees were requested. Carolyn Parks chaired the election committee. Buckley and Angus were the only nominees. A secret ballot was held and Buckley and Angus were chosen as Strike Fund trustees.

ICSOM EMERITUS PROGRAM ADMINISTRATOR’S REPORT.

Abe Torchinsky, program administrator, reminded the delegates to notify him of any qualified retirees from their orchestras interested in joining the program.

REPORT OF THE COMPUTER COMMITTEE

Michael Moore [Atlanta Symphony/Member at Large] reported on the activities of the Computer Committee, composed of Michael Moore, Ken Ishii, Robert Levine [Milwaukee Symphony] and Richard Levine [San Diego Symphony]. The ICSOM Directory was being handled by Robert Levine and Richard Levine. They had designed a new Directory computer program which was distributed at the conference. Moore asked for orchestra contracts for the AFM bulletin board.
MEDIA REPORT

Buckley reported on a meeting with some orchestra managers in New York in which recordings and media were discussed. National Phonograph, Audio Visual [AV], and National Public Radio [NPR] contracts expire at the end of 1992. American orchestra musicians are paid more per recording session than any other musicians in the world, although American musicians' total recording compensation declined by about 30% over the years. During the New York meeting, an issue was made of the rights of small orchestras in recording. The managers wanted a sliding scale which would allow small orchestras to record at a lower fee. Buckley spoke of a contract which would cover all electronic media. He did not know whether such a contract was achievable.

From the Floor

Herb Wekselblatt [Metropolitan Opera Orchestra] pointed out that the Met management had attempted to convince the orchestra to accept a lower recording fee. He said recording companies will pay whatever is necessary to record an orchestra or its conductor.

Michael Borschel [Indianapolis Symphony] stated that the AFM had been the problem in establishing a syndicated radio broadcast fee. Indianapolis attempted to negotiate its radio rates according to the union guidelines, and the radio package had fallen apart because the AFM was not able to come to an agreement over the "mix-and-match" [taking movements or pieces from different concerts to make a single program] concept.

Buckley explained that the AFM had no agreement with American Public Radio [APR] and some syndicated stations. Consequently, orchestras were making their own deals. Last year, the AFM attempted to create a syndicated radio rate. Unfortunately, orchestras making their own deals and undercutting other orchestras, continue to be a problem. Many orchestras want to stay within the union guidelines. Complicating the issue was the potential change in radio technology. Radio stations now broadcast shorter classical concerts using a "mix-and-match" approach to constructing broadcast concerts. Buckley did not hold the AFM totally responsible for the problem.

Lew Waldeck responded to the Indianapolis situation by pointing to all the various radio rates negotiated in orchestra contracts around the country and stated that he had been asking for guidance from orchestras in this area for years.

When asked why orchestras do not have a national rate (such as with NPR) to refer to when radio issues are negotiated, Waldeck responded that local jurisdiction had to be acknowledged, and every orchestra would get the same response Indianapolis got until orchestras agree to guidelines and to live within them. He also stated, even though orchestra contracts acknowledge AFM regulations and jurisdiction, it was difficult to police contract language.

Buckley recommended action be taken at the conference to address this problem. A subcommittee composed of David Sanders [Chicago Symphony], Karl Herman [New Jersey Symphony], Robert Levine [Milwaukee], Herb Wekselblatt [Met Opera], and Michael Moore [Atlanta] was appointed to create a model agreement.
NOMINATING COMMITTEE REPORT

On behalf of the Nominating Committee, Tom Hall placed into nomination the names of five executive board members for reelection. The Nominating Committee, composed of Tom Hall [Chicago Symphony], Sandra Schwarz [North Carolina Symphony], and Michael Nutt [Los Angeles Philharmonic], contacted ICSOM Delegates to solicit information regarding the nominations for the five Executive Board positions. Hall asked for additional names to be placed into nomination. Nominations remained open until Thursday afternoon.

Thursday Morning, August 20, 1992

The meeting was called to order and the roll called at 10:00 a.m.

Tom Hall asked for names of additional nominees for the five Executive Board positions.

Brad Buckley introduced AFM President Mark Tully Massagli.

Massagli spoke of the organizing and recruiting projects which had been planned, and of the AFM-EP Fund, which was estimated to be $715 million. Some orchestras have elected to roll their existing pension plans over into the AFM-EP. He recommended that any orchestra wishing to roll over its pension should contact the EP Fund. The Symphonic Services Division [SSD] had worked to provide needed services to orchestras; Lenny Leibowitz had agreed to serve as in-house counsel for the AFM; and Lynn Johnson had returned to the SSD. Massagli described the efforts of the AFM in supporting the National Endowment [NEA]. The AFM had lobbied Senator Robert Byrd (West Virginia), who ultimately supported reauthorization of the NEA. The Live-PALRA bill had been opposed by the Bush Administration. Massagli read a letter from Lynn Martin, Secretary of Labor, which opposed Live-PALRA. He urged support of the Clinton/Gore ticket.

Gregory Drone [Kennedy Center Orchestra] expressed the concerns of the members of the Kennedy Center Orchestra over the recent Pamphlet B [covers travelling musicians] negotiations, in which the AFM had agreed to cap the minimum number of in-house musicians, thereby reducing the amount of work done by KCO musicians. Massagli said that the AFM had fought hard to preserve Paragraph 61.

Buckley introduced Steven Sprague, Secretary/Treasurer of the AFM.

Sprague’s remarks were devoted entirely to the new U.S Immigration Act. Prior to the enactment of the new legislation, foreign musicians came into the U.S. and the AFM had no idea of how many or who they were. The AFM was anxious to make special accommodations for Canadian musicians working in the U.S. This legislation took arts managements by surprise, and they fought against union consultation. There are four ways for foreigners to play in the U.S.: P-1 visa or internationally recognized groups; the P-2 visa allows Canadian musicians to work in the U.S., and American musicians to work in Canada; P-3 covers culturally unique; and the O-1 visa allows only those musicians with extraordinary talent to perform in the U.S. Since April, the AFM had reviewed over 450 cases with the majority in the O-1 visa classification, with many being rejected. Some orchestras are currently having problems with O-1 visa situations. Many foreign players, holding student visas, join the union and get into an orchestra. Managements are
now attempting to have section foreign players qualify under O-1. Foreign musicians who assume section positions with student visas do not qualify under the regulations set forth in the Immigration Act. The AFM cannot make exceptions by ignoring regulations for special situations unless the INS [Immigration and Naturalization Service] perceives the Union consultation to be selective. The Union had argued that it needed the ability to participate in the decisions about alien players in order to protect the dwindling number of jobs for American musicians. All the cases rejected by the AFM had been upheld by the INS.

From the Floor

Irving Segall [former ICSOM Chair, Philadelphia Orchestra] asked about reciprocity agreements with other countries. Sprague indicated only Canada and the U.S. had such an agreement, although the AFM had spoken with the British musicians' union and other European unions about establishing reciprocity.

Fred Zenone [former ICSOM Chair, National Symphony] stated that many foreign students in the U.S. are frequently on scholarship to study and support themselves by joining the union and working as professional musicians. Sprague pointed out students may not work more than 20 hours a week. Students who freelance are hard to police, but those working in orchestras with collective bargaining agreements are documented.

Ken Mirkin [New York Philharmonic] asked for an explanation of the AFM's negative position relating to the Philharmonic's newly hired Israeli violist who had won many awards and international recognition. Sprague stated that section positions are still the issue. The INS reviews all Union decisions relevant to the immigration of foreign players. Mirkin suggested the Union was attempting to keep all foreign musicians out of section positions.

Nick Bardes [San Francisco Local] favored grandfathering existing foreign musicians. Sprague responded that all foreign nationals had to requalify under the new Immigration Act.

There were many who expressed concern of the Union's wisdom in making the apparent judgment that section positions do not require quality talent, to which Sprague voiced surprise, stating the AFM's obligation to protect American musicians. He wondered what the response would have been had the AFM supported an open-door policy.

Charles Guse [Chicago Local] said the U.S. is producing high-quality musicians in large numbers and asked why orchestras needed to import foreign talent to assume section positions?

Wekselblatt [Met Opera] questioned the exclusion of ICSOM orchestras in formulating policy for determining the qualifications of foreign musicians. Sprague explained the AFM could only comply with the regulations; it had no authority to make immigration policy.

Levine [Milwaukee] pointed out that these problems are not necessarily the creation of the AFM, which is attempting to adhere to the requirements of the law. The U.S. Congress decided employment in the U.S. should be for Americans.
Scott Weber [Cleveland Orchestra] expressed dismay over the AFM's seeming lack of concern about the artistic standard of U.S. orchestras. Sprague responded that the Union was involved in the wages and benefits of orchestral players, not artistic matters.

Leibowitz reaffirmed the AFM's position in the immigration process, but recommended more consultation between orchestras and Sprague's office.

Special Presentation

Buckley acknowledged the past contributions of the three former ICSOM Chairpersons, Fred Zenone, Melanie Burrell, and Irving Segall, and presented each with a plaque [recognizing them during ICSOM's thirtieth year].

Thursday Afternoon

Buckley introduced each of the three former ICSOM Chairpersons. Their remarks are as follows:

ICSOM Chair Melanie Burrell (1986-1988) [Colorado Symphony]

It was with a family tradition of trade unionism Burrell said brought her comfortably to ICSOM as an activist. She touched upon the evolution of ICSOM and its relationship with the AFM and characterized ICSOM as searching for meaningful relationships with the AFM and other organizations. She also acknowledged Fred Zenone's efforts to develop relationships with the ASOL and the major symphony managers. ICSOM gradually created a relationship with the AFM which fostered sharing, helping, and instructing the AFM in ways to assist symphony musicians. ICSOM also reached out to the recording musicians [RMA] and OCSM to strengthen its efforts in helping musicians. She emphasized ICSOM's role in the development of music medicine.

ICSOM Chair Irving Segall (1974-1980) [Philadelphia]

Segall read his first message as ICSOM Chairperson written for Senza Sordino in 1974, in which he acknowledged the accomplishments of ICSOM's early leadership in helping to develop the relationship with the AFM, the creation of the Strike Fund, and the Wage Scale Chart. He was pleased with the progress in the development of orchestras in the United States and the increased wages and benefits paid to musicians.

ICSOM Chair Fred Zenone (1980-1986) [National]

Zenone stated that ICSOM came of age in its relationship with the AFM under his chairmanship. He attributed the creation of the AFM Symphonic Services Division to the efforts of Ted Dreher. He spoke about the problems of troubled orchestras and described his early efforts as going from crisis intervention to watching many troubled situations go unhealed.

Zenone expressed concern about the Wolf Report calling it the first public shot for change in
symphony orchestras, and symphony musicians would not necessarily benefit. After reading the ten questions posed in the *Wolf Report*, he asked if anyone believed they were the questions of Thomas Wolf. He suggested that the Report reflected the agenda of the ASOL and interpreted the underlying intention as *they don’t have any money—now they want to talk about art.* Zenone took exception to the editorial content of the *Wolf Report*, predicting that orchestras would be at war with themselves to determine who participates. The Report and the responses to it call for a redefinition of what musicians do; however, musicians are not going to be included in this discourse.

Buckley introduced Robert Levine [Milwaukee] who explained about the new ICSOM *Directory* computer program handed out at the Conference. The deadline for submitting roster data is October 1, 1992.

Buckley introduced IEB member Tom Lee.

Lee addressed the issue of military bands making commercial recordings. Prior to the 1990 legislation passed by Congress which allowed for the commercial recording of military bands, military bands could not engage in any work which displaced civilian musicians. Initially, the military stated its intention to avoid interfering with the employment of civilian musicians, but refused to enter into any agreement with the AFM to establish guidelines. It was clear the military had changed its position.

Tom Hall asked for additional nominations for the five ICSOM executive board positions. There being no further nominations, ICSOM’s executive officers were reelected by acclamation.

Hall described the changes in the conductor evaluation form. Because Wayne State was scheduled to change to an ink-read head in the fall, new forms would be sent out. New guidelines were added to the *Delegate Manual*.

Lenny Leibowitz emphasized the need for proper use of conductor evaluation information to avoid legal problems and also advised similar care should be taken with an orchestra’s in-house evaluations.

It was suggested that ICSOM create a management evaluation form. Leibowitz responded that musicians were qualified to judge conductors but did not necessarily have the qualifications to pass judgement on managers. He did caution orchestras to be careful how they used any evaluations.

Buckley discussed the controversy created many years ago by the ASOL’s invitation to ICSOM to have representation on the ASOL board. At the time, Fred Zenone felt it was important and joined the board, but he recently resigned in protest. Buckley described the ASOL’s attitude as tokenism and had rejected its request for ICSOM’s involvement. ICSOM was never consulted about the *Wolf Report*. The ASOL had also been promoting the FEDAPT report written by an organization which knows nothing about the symphonic industry.

Zenone was asked whether orchestras should resist these discussions. He responded that musicians
cannot ignore them, but the ASOL expects everything to fall under its umbrella, encouraging the public perception that it is the spokesman for the field.

Buckley introduced Ed Arian [author/Philadelphia Orchestra emeritus]

Arian acknowledged the efforts of George Zazofsky, first ICSOM Chairperson. In those days, ICSOM was accused of dual unionism by the AFM. Arian was encouraged by ICSOM's improved relations with the Union.

If orchestras were managed as competently as the musicians play, there would be no problems. He spoke of the attitudes found in the old Philadelphia Orchestra: anti-semitism, sexism, and racism. Musicians frequently had to take other jobs to survive. The recording situation was very difficult. Musicians had to earn 80% of their own pension contribution. Many issues were governed by politics, with favorite sons receiving deferential treatment. Orchestras have come a long way. Arian pointed out that in academia, teachers have made advancements because they have a say about how things are run. Musicians have to demand input into the way their orchestras are run.

Arian disagreed with Zenone and Buckley that the Wolf Report was a reflection of the ASOL's agenda. He suggested that musicians should train in management and board functions. Just because nonprofit boards are filled with CEOs, lawyers, and businessmen does not mean that the organization will be well run. He wondered how many delegates could evaluate their boards or managements or interpret the financial condition of their orchestra. Smart boards look for individuals with many suppliers. Musicians should be capable of evaluating their orchestras: how is the money raised, how effective is the development, and where the orchestra is going in the 21st century? The plan is the health, life, and future of the orchestra.

Everyone has the right to participate in the cultural life of the community and to receive an education. In the near future, the majority of students will be minority. The European model will not work in the future. Orchestras will have to adapt to the climate. The Wolf Report recommended that musicians become more involved at the highest level.

From the Floor

Florence Nelson [Local 802] stated that orchestra committees have told their managements and boards how to function. The Wolf Report is being used to demand cooperation, cutbacks and concessions. She asked Arian if he was suggesting musicians become full-time administrators. Arian responded that musicians need to be informed about how managements function and about orchestra finances.

Christine Perry [Oregon Symphony] pointed to her experience in learning about the finances of her orchestra in order to insure that management was dealing with the musicians honestly.

Debbie Torch [Senza Sordino Editor/San Antonio] asked Arian if he believed that boards were aware of their managements' day to day dealings with the musicians, and that managements are frequently uncomfortable when the musicians come into contact with the board. Arian stated that boards seem to have more respect for musicians today than before.
Jim Clute [Minnesota Orchestra/Member at Large] asked whether the ASOL apprenticeship program for managers was good training. Arian pointed out orchestras have no control over this program.

Zenone [National] expressed concern over the networking which resulted from that program. Arian recommended ICSOM discuss the curriculum of the management training program the next time it was invited to meet with the ASOL.

Friday, August 21, 1992

The meeting was called to order at 10:00 a.m.

Buckley opened the floor for discussions on various topics of concern.

From the Floor

Tom Heimberg [San Francisco Opera] opened the discussion with comments about the AFM and the new immigration laws. The AFM did not develop the laws but had implemented them. The AFM represents everyone, and unemployed musicians want to be protected. Heimberg was concerned about the lack of communication between Local 6 [San Francisco] and the AFM in regard to the Japanese national in the San Francisco Opera Orchestra who had to requalify under the new Immigration Act. The local had written a favorable letter for the player, while the AFM wrote a letter of objection.

Buckley stated that the AFM did not have a great deal to do with the formulation of the law but had to deal with it. Who should the AFM represent, the member musicians who are U.S. citizens, or the member musicians who are foreign nationals? It is a very difficult question because there are real threats especially to opera and ballet orchestras being replaced by foreign groups. For the AFM to be effective in dealing with this law, it must walk a very thin line in a union-hostile environment. The only remedy is to change the law through Congress.

Carol Beck [Grant Park Symphony] asked if ICSOM could not have some input in the decisions. Buckley stated under the current regulations, there was no indication it would have any effect. The INS can overrule the AFM (the AFM does not just write a letter and the INS accepts it).

Mirkin [New York] felt the Israeli violinist recently hired by the New York Philharmonic qualified under the new immigration law, and he expressed concern that Steve Sprague seemed to be the only one making judgments in this area. Buckley pointed out that this law affects musicians as well as employees in other industries. Buckley encouraged Mirkin to make Local 802 aware of his concerns.

Robert Silverman [St. Louis Symphony] asked if it were not possible to expedite the process of obtaining a green card by encouraging prominent board members to use contacts to help an orchestra's foreign players. Buckley explained that obtaining a green card was a very long process with few ways of expediting it.
Sprague responded to an earlier comment about the lack of communication between the AFM and the local union. Communication is a two-way street—the local should have communicated its activities to the AFM. In response to Ken Mirkin [New York], Sprague pointed out that the law was more complicated than just one page of regulations. The process the INS uses is a good one: it first evaluates the applicant and then reviews the union's advisory position. He went on to state that because one person signs the AFM's position letter does not mean others were not involved in the decision.

David Sanders [Chicago Symphony] was concerned about the AFM's interpretation of extraordinary ability. Anyone who could pass an audition displayed extraordinary ability.

Zenone [National] emphasized the importance of reciprocity. Foreign musicians may be able to win domestic auditions, but Americans can also win foreign auditions, when they are allowed to work in foreign orchestras.

Leibowitz asked about the AFM involvement with the players in question. Sprague answered that the AFM usually reviews cases of musicians before they have a job in the U.S. Approximately twelve, employed, foreign players are in U.S. orchestras.

The discussion then turned to the issue of Pamphlet B which governs musical groups or shows touring domestically.

Robert Blatt [National Symphony] stated Paragraph 61 of Pamphlet B had previously required, when a group of touring musicians came into a theater which has an agreement with the local pertaining to the number of musicians required to be hired for any show, the theater had to hire that number of local musicians. The changes in Paragraph 61 took away the local's right to require more than sixteen players. Blatt asked if there was any way to change that restriction. Buckley stated the current AFM bylaws did not provide a way to change it. Leibowitz suggested the only way to change Paragraph 61 was internally through the Union. The AFM negotiates national contracts. Pamphlet B falls into that category. Paragraph 61 was originally a concession to local autonomy. Now the AFM has limited that autonomy.

Gregory Drone [Kennedy Center Orchestra] explained the direct effect the new language had on members of the KCO, who had no involvement in the negotiation of Pamphlet B. Buckley responded that the Immigration Act and the Pamphlet B situation were two more issues which pitted musician against musician and musicians against the Union.

Buckley then asked Melanie Burrell to speak about the progress of the Colorado Symphony.

Burrell said the Colorado Symphony had to learn how to deal with the problem of members of the orchestra serving as members of management. The target budget for next season was $5.5 to $6 million.

Leibowitz asked if a collective bargaining agreement was negotiated with the local union, and if the local had legal counsel.
Burrell responded that an agreement had been negotiated. Leibowitz expressed concern over Colorado Symphony members assuming supervisory roles and suggested that this was an issue the orchestra would have to deal with to avert future legal problems. Burrell characterized it as the biggest problem facing the Colorado Symphony.

Larry Liberson [Detroit Symphony] asked about the problems with the National Repertory Orchestra. Burrell answered that there had been a verbal promise from the NRO, which it had not honored, stating its willingness to stay out of professional orchestras' jurisdictions.

Francine Schutzman [OCSM] asked how the Colorado Symphony dealt with overscale. Burrell said that a committee dealt with overscale.

Helen McDermott [Colorado Symphony] added that deciding who received and how much was very difficult.

Buckley introduced Adolfo Nodal, General Manager, City of Los Angeles, Division of Cultural Affairs.

Nodal described the high level of support of the arts by the city of Los Angeles, where the arts are used as a means of going beyond the traditional venues. With attacks by the conservative right, the arts have become political. Nodal predicted that the National Endowment for the Arts would probably not survive even under a Democratic administration. He felt the NEA had failed because it sheltered the arts from its responsibility to develop partnerships between communities and the arts. Public art, or art in public places, had evolved in the U.S. over the last twenty-five years. Artists who have worked with a community to create public art develop a relationship with that community. Nodal recommended that the arts collectively needed to be more active in [and develop relationships within] the community.

Both the arts and public concerns can be supported, but the arts have not been well promoted in the U.S. Los Angeles developed issues in a cultural master plan and a cultural recovery plan after the 1992 L.A. riots. Public policy in Los Angeles promotes the importance and respect for the artist in the community. Over the last twenty-five years, 98% of funding went to a narrow constituency, so social equity was very important. Los Angeles had broadened its cultural base by addressing the issue of multiculturalism.

From the Floor

Karl Herman [New Jersey] asked how Los Angeles dealt with using large sums of public funding to build a concert hall in a select area. Nodal emphasized the importance of having civic symbols.

Leibowitz asked how Los Angeles was able to promote the support of the arts so successfully in such a difficult social, economic, and political climate. Nodal explained specific tax revenues helped fund the initial program and tied the arts to the city's functional needs.

Robert Blatt [National Symphony] asked whether Los Angeles' arts funding went primarily to established groups. Nodal responded that established groups had received more money, but there was also more money to give to other groups.
Nodal spoke of a strategy for cultural equity. Communities must broaden aesthetic boundaries, allow for cultural self-determination, and expand grass root and small projects. Big institutions should build relationships with small organizations, and funding should be provided for organizations which are not nonprofit. He also emphasized the importance of multiculturalism in the makeup of the management and staff of arts organizations as well as providing for arts education, outreach training, and volunteerism in the minority community.

Friday Afternoon

Special Situations

Michael Buccicone [Columbus Symphony], Walden Bass [Syracuse Symphony], Lois Carson [Buffalo Philharmonic], and Jim Atwood [(New Orleans Symphony)/Louisiana Philharmonic] were asked to report on the special situations in their orchestras.

Columbus Symphony

Buccicone described the problem in Columbus which caused the orchestra to renegotiate its contract. The board began to draw on the $4 million endowment. Management wanted to cut $1 million in musicians’ expenses for the next several years. The musicians insisted on a multi-year contract and launched a press campaign to expose management inadequacies.

Syracuse Symphony

Bass spoke about the problems of Syracuse and the cancellation of part of the 1991-92 season. The orchestra received a great deal of support from the community and from the press. The musicians set up benefit concerts and donate their time as did their music director. A county task force was created to give advisory assistance to the orchestra.

Buffalo Philharmonic

Carson updated the situation in Buffalo. The findings of the stabilization committee were implemented in the collective bargaining agreement, including mandatory summer season and control of overscale payments. Overscale players have filed a lawsuit.

Frances Morgante [Buffalo Philharmonic] explained the pending litigation against the OSP and the AFM for duty of fair representation. The Buffalo Philharmonic had been looking for a new executive director and financial director.

Buckley stated that the publicity surrounding the litigation had added to the destabilization of the orchestra.

Louisiana Philharmonic (New Orleans Symphony)

Atwood described the demise of the New Orleans Symphony and the efforts of its musicians to create a co-op orchestra. The new Louisiana Philharmonic had performed a twenty-week season
from January to May. The business community recognized the Philharmonic as a new business, and foundations had finally become more responsive. Considerable administrative and organizational skills were found in the orchestra, with management costs being held to $7000 and success in ticket sales and fundraising. The musicians were paid after orchestra expenses had been met. Grievances were settled at weekly orchestra meetings. The players had voted to require each member to teach one needy student for one year and for the orchestra to give community outreach concerts. Business leaders told the musicians they would not serve on a board where labor was represented. Atwood stated the musicians wanted to remove themselves from the management of the orchestra.

He did not recommend co-op as a solution. The orchestra did not have a contract but a letter of intent. Each musician was paid every week [regardless of orchestration]. Dismissals would be handled by a committee, although nonrenewal was not a high priority because the musicians were making so little. Atwood stated that were the Philharmonic to go out of business, no one from the community would move to build an orchestra from scratch.

Buckley again described the numerous problems facing co-op orchestras, including the issue of representation and expressed concern over the attitude of the ASOL in its citing of orchestras like the Colorado Symphony as ideal situations.

Buckley introduced Kim Fellner and Lew Waldeck, who explained the AFM Symphony Project.

Fellner provided a packet of material to assist in the workshop. The project provided two different brochures intended to deal with the media, reignite corporate support, and make the orchestra a more relevant part of the community. There was a discussion on how negotiating orchestras should deal with the media and public relations. The AFM was developing sample letters for use by orchestras which will be available on computer disk. Fellner referred to a New York Times article describing the problems of five regional orchestras. There had been no consultation with the musicians or local union in preparation for the article. A discussion about the different approaches to public relations employed by orchestras during their negotiations ended the presentation. Waldeck informed the Delegates that video tapes on media and public relations were available.

Saturday, August 22, 1992

Buckley prefaced the special presentation of Leonard Leibowitz's workshop by stating the workshop had grown out of the efforts of the special committee on troubled orchestras. The goal of the workshop was to teach orchestras the role of committees. Joining Leibowitz on the panel were Brad Buckley and Lew Waldeck.

Leonard Leibowitz

Leibowitz described the negotiating workshops which had been presented at the Conference for the last fifteen years. At the meeting of the special committee it was realized that orchestras no longer negotiate without legal counsel; therefore, it was decided to expand the negotiating workshop to focus on the committee function.

Leibowitz stated that a negotiating committee should encompass the broadest spectrum of political
positions in the orchestra and should be between four and seven members in size. He also recommended at least one previous member be carried over to the new committee.

Waldeck described the Honolulu Symphony experiment of having committee interns picked by the committee.

Leibowitz pointed to one negotiating committee which had invited every member of the orchestra to the negotiations.

Some orchestras have the negotiating committee also functioning as the orchestra committee, while others have two separate committees.

Leibowitz spoke of contract administration. A contract is a piece of paper which many committees do not enforce. He could not understand why an orchestra would negotiate a contract and not enforce it.

The role of educating and organizing the orchestra should include orientation of new members. Each orchestra should prepare a brief labor history to explain the history of the contract negotiations and how the orchestra had gotten where it had, as well as a description of ICSOM and the AFM so that new members are familiar with those organizations.

The local union must be brought into the process and kept advised of issues in the orchestra. A relationship with local politicians should be established through the AFL-CIO and local trade unions in the community. An orchestra should establish a mode of operation with the union: how and when will the union be involved. Leibowitz advised orchestras to be careful and follow the time limits involved in grievance processes.

Buckley warned that committees should not make decisions about grievances; committees are not qualified to make judgements on the merits of grievances. Waldeck emphasized the importance of the committee representing everyone in the orchestra.

Doug Fisher [Columbus Symphony Committee Chair] asked if committees had the responsibility to decide how a grievance would be processed or handled. Leibowitz responded that the committee's obligation was to investigate all grievances throughout the grievance process up to arbitration, but warned that a frivolous grievance should not be arbitrated because a precedent might be set which could negatively affect the entire orchestra.

Segall [Philadelphia] asked Leibowitz to define a grievance. Leibowitz offered two definitions: a violation or breach of a provision of the contract or a breach of a past practice not in the contract. Some arbitrators will consider a past practice to end with the arbitration, even if s/he rules in favor of the practice.

Herman [New Jersey] asked what an orchestra should do if the local union refused to take a grievance to arbitration. Leibowitz recommended filing an unfair labor practice with the NLRB for breach of duty of fair representation.

Angus [ICSOM President/Rochester Philharmonic] asked about the role of a union steward in
grievances. Leibowitz stated there was protection from management reprisals for committees and for stewards under the national labor laws. If management serves a player with a subpoena, the player should do everything to discourage his or her participation, but ultimately, the player would have to testify.

Grievances between two members of the orchestra should be handled by the union.

Someone was asked what action could be taken against musicians who caused or attempted to cause another to be fired. Leibowitz cautioned that the instigating player may be fined or expelled by the union.

Leibowitz spoke of the importance of the musicians keeping their information on the financial condition of the orchestra up to date. He described the National Symphony's relationship with its former manager, Henry Fogel, who gave the committee monthly financial information. Such relationships are difficult to develop, but preferable and do not require the musicians to become members of the board. Serving on the board is not consistent with sharing power.

Buckley described players who serve on their boards as tokens. If an orchestra is to deal effectively with financial and other difficult issues, it must be on an equal basis.

Leibowitz said the obligation of an employer to provide an orchestra with information was not limited to every three years at contract renewal. The orchestra has an ongoing right to receive financial information, such as 990 Federal Tax returns and audited financial statements.

Buckley added that the managers (ASOL) compile the comparative statistical studies of the orchestras. The ASOL voted recently to make these books available as well as the managers' equivalent of the wage chart. Orchestras need to stay up to date on the financial information of their associations, especially when the association is claiming to be in financial trouble.

Mirkin [New York] asked how an orchestra could tell if the figures were accurate. Buckley responded that some orchestras may create numbers, but much can be learned from the data. The AFM has financial consultants, who have familiarity with orchestra finances, to assist orchestras.

Leibowitz stated an orchestra could still learn about a deficit and financial trends.

Geoffrey Hale [Florida Philharmonic] asked what musicians should know before serving on a strategic planning committee. Leibowitz said the orchestra needed a line on salaries and benefits. Players should stipulate that they cannot endorse anything. He also pointed out that there were other ways of obtaining financial information without getting on the board.

Leibowitz stated that managements have the right to meet with any employee at any time; however, they do not have the right to negotiate with anyone but the union or the elected committee— that would be an unfair labor practice.

Buckley said orchestras would have to adopt new and tough ways of doing business, with the orchestra ideally being advised of the progress.

Leibowitz added that the last step of the informational and financial investigation was the sharing of information with the orchestra.
Leibowitz described orchestra contracts, in reality, as one-way agreements in which the players are bound to the agreement, but the board and managements are not. If a symphony association fails to raise the necessary revenues, it will go to the players and ask to renegotiate or threaten to go out of business. If the association raises more than the expected revenues, the contract guarantees are adhered to.

Leibowitz then turned to the subject of decision making on the committee. He said each committee member had to decide whether s/he voted as an individual, representing his/her section, or the orchestra as a whole.

Buckley added that all union principles are based upon collective action. To be successful, orchestras must work together. Everyone is an individual except during contract negotiations. The orchestra should work as a unit as much as possible.

Leibowitz spoke of the preparations needed for negotiations. The committee must know what the orchestra wants. This can be determined by a questionnaire, in private meetings with players, which would be useful in dealing with players who never speak during orchestra meetings, or in an open orchestra meeting. He warned orchestras not to discuss bottom line figures in orchestra meetings.

When a management resists giving information relevant to collective bargaining, such as pension, payroll, and financial information, a charge should be filed with the NLRB.

An orchestra should determine how current contract provisions are working. The most difficult determination is whether the orchestra is ready to fight and should be known long before negotiations begin.

To prepare for a strike or lockout, an orchestra should know whether it is a member of the AFM Strike Fund, or if it has its own strike fund. The management will be aware of these preparations. The orchestra should determine how its war chest funds are to be used--should loans be made and pay dollar in/dollar out? Leibowitz did not recommend that approach. An orchestra should find out if the local union has a strike fund, and if state unemployment makes a distinction between a strike and a lockout.

Strike committees must be created as soon as possible: Bulletin Committee--disseminates information to members of the board from the orchestra; Media Committee--deals with the press, with press relations centralized and one or two people acting as orchestra spokesperson; Political Committee--develops contacts in the political arena; Audience Committee--develops relationships with members of the audience; Music School Committee--develops relationships with teachers and students at assist in information and picket lines; Outside Organization Committee--develops relationships with other organizations; Benefit Concert Committee--arranges for benefit concerts; and the Strike Committee--deals with picketing and knows about legal restrictions and necessary permits.

Buckley warned against committees expecting the orchestra's lawyer to be responsible for organizing the orchestra. If committee members do not want that responsibility, they should not have run in the first place.

Sanders [Chicago] asked if bulletins should be sent to the board during negotiations. Leibowitz said yes--bulletins become fact sheets for the Media Committee.
Leibowitz recommended that contract language should stipulate payroll deductions of Strike Fund dues to remind the management of the orchestra's participation in that fund. He also recommended that the negotiating committee post the list of committees on the orchestra's bulletin board for volunteers. If players are not signing up for the committees, it is unlikely the orchestra is motivated to strike.

Waldeck offered some guidelines for financial preparedness for a strike:

Six months before the deadline, the committee should post the following recommendations on the orchestra's bulletin board so all will know the orchestra is preparing for a strike: put aside two-month's rent; pay off as much as you can of credit card debt; to allow a larger line of credit during a strike; postpone major purchases; be aware of any bills which may come due; prepare a minimum weekly budget and know how little you can live on; bring car maintenance up to date; determine if there is something else you can do to earn money during a strike; and sign up extra students.

The orchestra should prepare a document which details where the musicians can find emergency services, both from members of the orchestra (such as car or home repair) and emergency medical and dental care, and make a list of bargains and of places where things can be purchased for less.

Leibowitz stated that the number one responsibility of the committee was being the primary information resource for the orchestra's attorney. The committee must know the evolution of the contract language. When the orchestra seeks to make changes in certain provisions, the attorney needs to know why. Job security must not wait until there is a problem. Answers to these questions can best be made with anecdotal situations. The committee needs to know what the reaction of the orchestra will be to off-the-record offers.

He also recommended appointing individual members of the committee to specialize in areas of the contract such as tours, per diems, auditions, and so on. Subcommittees can be effective in dealing with issues of scheduling and working conditions, which generally takes a great deal of time, as well as bringing other members of the orchestra into the process.

Buckley reminded the delegates of the negotiation manual available from the AFM/SSD.

Leibowitz stated that long before negotiations begin, the orchestra should discuss when to strike, and any potential strike date should be made in consultation with the chief negotiator. Committees should maintain communications with the local union and keep it informed about the progress of the negotiation, if the union is not at the table. ICSOM and the AFM should also be kept informed.

Buckley emphasized the importance of keeping ICSOM informed so that rumors could be dealt with, especially in light of all the renegotiations.

Leibowitz recommended having orchestra meetings during the contract negotiation period. When the final offer is made, the committee must decide what recommendation it will make about the offer. Should the committee recommend that the orchestra accept or reject the offer. It is preferable to have a unanimous decision to reject or accept on the negotiating committee, but opposing positions should be heard. Sometimes management will agree to move on an issue if the committee promises a recommendation of ratification.
Buckley disagreed with Leibowitz's recommendation to allow opposing position on the negotiating committee to be heard at the ratification meeting.

Leibowitz said some orchestras vote to give the committee the power of attorney and again recommended that discussions of bottom lines and priorities in orchestra meetings should be avoided.

Ratification of a contract is done by simple majority of those present and voting—not the entire orchestra—with no proxies or absentee votes allowed, as required by the AFM bylaws. A written memorandum or agreement should be prepared to distribute to the orchestra. Answers to all questions about the agreement should be made as objectively as possible. Announce the committee's recommendation at the beginning, and try to discourage premature motions to call the question. Let everybody have a say. Have a union representative and noncommittee member supervise the ballot count, and then announce the vote.

Sunday Morning, August 23, 1992

The meeting was called to order and roll called at 10:15 a.m.

Buckley introduced Ken Shirk, who spoke of the AFM's role in the Immigration Act and disagreed with the perception that the Union was not concerned about the artistic quality of orchestras.

Unfinished Business

Buckley discussed the change in status of the New Orleans Symphony. After describing the membership requirements of ICSOM, he pointed out that the New Orleans Symphony no longer existed and had not paid ICSOM dues for the last year.

A motion to forgive the New Orleans Symphony ICSOM dues carried. [Motion #5/Blatt]

The Governing Board recommended that ICSOM continue to send the Louisiana Philharmonic all materials sent to ICSOM orchestras. The Philharmonic will be allowed to make application for membership next year.

New Business

Motions and Resolutions

Buckley described the purpose of the Orchestra Services Program [OSP] as an emergency, temporary solution for orchestras until the problems were corrected and the orchestra returned to its local union.

A motion carried to adopt the following resolution urging the AFM to adopt the organizing program of the OSP Steering Committee:

Whereas, The OSP Steering Committee has developed a program for the reintegration of an orchestra into its local union; and
Whereas, That program includes criteria for the internal organizing of the orchestra and the
reformation of the local union; and

Whereas, Such a program is important to complete the OSP cycle; now, therefore, be it

Resolved, That ICSOM support and endorse such a program and urge the Federation to adopt it.
[Motion #6/Governing Board]

Buckley stated the Player Conferences submitted several pieces of legislation, one of which
couraged the AFM to create a taskforce to organize unorganized musicians. ICSOM realized that
there was a need for internal organizing where orchestras might be having problems just doing
business and difficulty getting musicians involved. The pilot for this program was the San Antonio
Symphony. The Governing Board looked for an orchestra with a very desperate need and in a place
where ICSOM could work with the local union.

A motion carried to adopt the following resolution authorizing and directing the ICSOM Governing
Board to establish a pilot program for internal organizing with funding to be provided by the IEB:

Whereas, Organizing is the heart and soul of any union; and

Whereas, The process includes organizing the membership as well as the unorganized; and

Whereas, It has been the policy of ICSOM and the Player Conferences Council to urge the
Federation to engage in organizing the unorganized musician; and

Whereas, It is clear that the process needs to be applied to union members as well; now, therefore,
be it

Resolved, That the 1992 ICSOM Conference authorize and direct the Governing Board to establish
a pilot program for an internal organizing program with funding to be provided by the IEB, and that
once established, the program be implemented with the San Antonio Symphony. [Motion
#7/Governing Board]

There was a motion to amend the wording to read "... an internal organizing program for orchestras
with funding ... " After a brief discussion, the motion to amend Motion #7 carried. [Motion
#8/McGillivray]

Buckley stated the Blue Ribbon Panel recommended that per capita dues be paid only once by
musicians who belong to more than one local. ICSOM wanted to join ROPA in going to the AFM
convention and lobbying against the multiple per capita assessment.

A motion carried to adopt the following resolution directing ICSOM's 1993 AFM Convention
delegates to propose a resolution to amend the AFM bylaws eliminating multiple assessments:

Whereas, The per capita dues increase adopted at the 1991 AFM Convention has affected all
members of the AFM; and
Whereas, The levying of multiple per capita is an unfair method of dues collection; and

Whereas, The Blue Ribbon Committee recommendation in 1991, was for per capita to be paid one time annually per member; and

Whereas, A great number of orchestra musicians represented by the International Conference of Symphony and Opera Musicians hold memberships in multiple locals by virtue of the nature of their jobs and by necessity as required by AFM bylaws; therefore, be it

Resolved, That the International Conference of Symphony and Opera Musicians direct its 1993 AFM Convention delegates to propose a resolution to amend the AFM Bylaws to eliminate these multiple assessments at the International level. [Motion #9/Governing Board]

There was a motion to amend the wording to "... multiple memberships in locals ...". The motion to amend the wording was later withdrawn.

Buckley pointed out that there had been a radio agreement for NPR, but there had been no agreement or policy for syndicated radio broadcasts. The language of the Syndicated Radio Resolution was the consensus of the Media Subcommittee and was only enforceable on members unless signed onto by an employer.

There was a motion to adopt the following resolution to empower and require the AFM Symphonic Services Division and the Electronic Media Services Division to enforce the recommended language governing syndicated radio broadcasts:

Whereas, There currently exists no specific policy or guidelines for symphony orchestras to follow regarding the negotiation of terms and conditions for syndicated radio broadcasts; and

Whereas, As a consequence, orchestras have entered into widely varying agreements which have no relationship with one another and which contain very little support for other orchestras' negotiations; and

Whereas, A coherent national policy containing specific minimum conditions would be of great assistance to orchestras faced with negotiating agreements for syndicated radio broadcasts; now, therefore, be it

Resolved, That ICSOM recommend to the AFM Symphonic Services Division and the Electronic Media Services Division that the following minimum conditions and any others, as may be added, including the conditions for the use of excerpts or "clips" of programs, be incorporated into a Federation Policy for Syndicated Radio Broadcasting, and that such policy be disseminated to all local union, ICSOM, ROPA, and OCSM for distribution to all constituent symphony, opera, and ballet orchestras in the U.S. and Canada:

1. No orchestra may enter into any agreement for performing services for syndicated radio broadcasts for a payment of less than five (5%) percent of weekly scale, plus a contribution to the AFM-EP of no less than nine (9%) percent of said payment, for the one-time release of one recorded program.
2. For additional release rights, orchestras must receive additional compensation above and beyond that which is referred to in number one above.  

3. Any such agreement must be ratified by the individual orchestras under the same rules and procedures as contract ratification.  

4. The AFM Symphonic Services Division and the Electronic Media Services Division shall be empowered and required to enforce these conditions by recommending disciplinary action against a local union and/or orchestra which enters into any agreement on any lesser terms or conditions than those contained in the policy.  [Motion #10/ Governing Board]  

There were suggestions on improving and clarifying the language of Motion #10. Shirk [IEB] suggested the language reflect... releases must be at a higher payment.  

After considerable discussion, there was a motion to table Motion #10 until the language could be adjusted.  [Motion #11/Albiston] Motion passed.  

A motion carried to adopt the following resolution protesting the AFM's interference with local autonomy in its negotiation of the Pamphlet B contract:  

Whereas, Over the years, the AFM has proclaimed adherence to the principle of local autonomy; and  

Whereas, The AFM's commitment to that principle has been questioned in connection with the recent negotiations of Pamphlet B contract and specifically Paragraph 61 thereof; now, therefore, be it  

Resolved, That the 1992 ICSOM Conference go on record as protesting the interference by the AFM with a local union's ability to negotiate minimum staffing in local theaters by significantly modifying Paragraph 61 of Pamphlet B and further protesting the Federation's refusal to permit the members of those affected local unions to participate in the ratification vote of said Pamphlet B contract.  [Motion #12/Drone]  

There were questions about the implications of the Pamphlet B contract on orchestras in general.  

Drone [Kennedy Center] expressed concern over the effect the Pamphlet B contract would have on the Kennedy Center Orchestra. The KCO was never consulted nor did it have any input in the negotiation of the agreement.  

Buckley took exception to the AFM setting a maximum number of musicians the local union could negotiate with a theater, which would cause some of the KCO musicians to lose a great deal of work.  

Wekselblatt [Met Opera] spoke of the struggle of orchestras to get the right of ratification and supported the KCO resolution.  

Guse [Chicago local] stated that the large local unions were consulted about the Pamphlet B negotiations and they expressed their objections to the changes which were eventually adopted.  

After considerable discussion, motion #12 passed.
Buckley described the need for some changes in ICSOM’s bylaws. The first proposed change dealt with the election of representatives to the AFM Convention. The change would allow for an alternate means of choosing a replacement delegate to the AFM Convention in the event of the inability of the ICSOM Chairperson or President to attend.

There was a motion to adopt the proposed change to the ICSOM bylaws regarding AFM Convention representation. [Motion #13/Governing Board] Motion carried.

Buckley described the second change needed to clarify language relating to the number of Governing Board members from the same orchestra, which may serve at the same time, in Article IV, Section 4. The existing language was not clear; however, past practice had established that on more than one Governing Board member could come from any one orchestra.

There was a motion to amend Article IV, Section 4 to clarify the language preventing more than one Governing Board member per orchestra. [Motion #14/Governing Board]

Blatt [National] expressed concern over potential limitations imposed by allowing only one Governing Board member per orchestra.

Zenone [National] responded that the President’s Council was created to involve other orchestra activists.

There was a motion to amend motion #14 to drop the last sentence of Article IV, Section 4—Officers. [Motion #15/McGillivray] Motion #14 was defeated.

Motion #14 carried as originally stated.

A motion to amend Article V, Section—Duties of Officers, which called for one Member at Large to be sent to the AFM Convention carried. [Motion #16/Governing Board]

The bylaws call for the Member at Large receiving the largest number of votes upon election to be the designated AFM Convention delegate. Buckley explained that was difficult since most of the time, Members at Large and officers are elected by acclamation. Buckley asked the Delegates to elect by acclamation all Members at Large to the AFM Convention.

There was a motion to declare all Members at Large eligible to serve as AFM Convention delegates. [Motion #17/Heimberg] Motion carried.

Buckley stated that the Governing Board would pick one AFM Convention delegate from the four Members at Large.

There was a motion to untable Motion #10. [Motion #18/Moore] Motion carried.

Motion #10 was amended to include under #1 the final sentence: *Orchestras may negotiate a higher payment rate.*
McGillivray [Alabama] asked why the pension contribution required in the resolution was nine percent and not ten. Leibowitz responded that nine percent was the current AFM rate.

Heimberg [San Francisco Opera] asked about pension required on additional releases. Leibowitz answered that pension was covered in #1 of the resolution.

Shirk [IEB] recommended that no one use the resolution until it becomes Federation policy.

Buckley reminded the Delegates that the proposed syndicated radio broadcast language did not apply to NPR.

Motion #10 carried as amended.

A motion carried to adopt the following resolution asking that the IEB be encouraged to propose and pass legislation addressing conflicts between musicians and employer/contractors:

Whereas, Employer domination of labor organizations violates the Nation Labor Relations Act; and

Whereas, Leaders and contractors who act as employers of musicians serve many local unions of the American Federation of Musicians as officers and executive board members of those locals; and

Whereas, Article 27, Section 17, of the bylaws of the American Federation of Musicians attempts to define acceptable conduct by members who act as employers in the music industry; and

Whereas, Many AFM members and local officers are unaware of the bylaws restrictions on member/leaders and member/contractors activities in setting local policies regarding wage scales, working conditions, and adjusting grievances; and

Whereas, Inappropriate conduct by member/leaders and member/contractors creates a risk of financial liability and publicity which would be damaging to the efforts of the American Federation of Musicians to effectively represent its members; therefore, be it

Resolved, That the International Conference of Symphony and Opera Musicians reaffirm its support for the full implementation of Article 27, Section 17, and request that the International Executive Board act to insure full implementation of Article 27, Section 17, by educating local officers and members regarding appropriate conduct by member/leaders and member/contractors and by promptly investigating and responding appropriately whenever violations of that Section are alleged; and, be it further

Resolved, That the IEB be encouraged to propose and work to pass additional union legislation addressing conflicts between musicians and employer/contractors. [Motion #19/Governing Board]

Buckley described the activities of the Coalition for the Advancement of Live Music, a nonprofit organization which encourages the advancement of live music. CALM had received $25,000 of funding from the AFM. He asked for a motion to endorse the activities of CALM.
A motion to endorse the Coalition for the Advancement of Live Music carried. [Motion #20/Buchman]

Buckley recommended that the 1993 ICSOM Conference be held August 18-22 and stated that the Governing Board had been pleased with the accommodations in Vail. The Buffalo Philharmonic had also offered to host the 1993 ICSOM Conference.

There was a motion to hold the 1993 ICSOM Conference in Vail, Colorado. [Motion #21/McGillivray] Motion carried.

Torch acknowledged and thanked Brad Buckley for his many efforts on behalf of ICSOM.

There was a motion to adjourn the Conference. [Motion #22/Blatt] Motion carried.

The 1992 ICSOM Conference was adjourned at 1:00 p.m.

Lucinda-Lewis, ICSOM Secretary
December, 1992